

# Strategic Insight

## Post-Election Jammu and Kashmir

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**March 5, 2003**

11 September 2001 and its aftermath have changed the dynamics of terrorism and domestic insurgency in South Asia. Of particular significance have been India's efforts to isolate Pakistan for its ambiguous stance on terrorism—fighting the Taliban and al Qaeda as terrorists while casting Kashmiri militants as freedom fighters. In this tense environment, the 13 December terrorist attack on the Indian parliament brought the sub-continent to the brink of war. Pressure from the international community and the dangers of war apparently led Pakistan's President Pervez Musharraf to pledge that Pakistan's territory would not be a base for terrorism against any country or region, including Kashmir. As a prelude to de-escalating war readiness, the Indian government sought indications of a reduction in cross-border infiltration into Jammu and Kashmir (J&K) from Pakistan. The international community saw the J&K assembly elections in September-October 2002 as an opportunity to judge the Pakistani claim of an ongoing freedom struggle in Kashmir and the Indian claim of Pakistan-abetted terrorism in the region. This essay analyzes the election outcome and its contribution to the current uncertainty in India-Pakistan relations.

### The Elections

During the run-up to the Jammu and Kashmir elections, commentary in the Indian media suggested that the international community wanted peaceful elections in Kashmir as a prerequisite for reconciliation in South Asia. Foreign leaders visiting South Asia during this period asked India to ensure free and fair elections, and they asked Pakistan not to interfere in this process. The Indian government reportedly provided adequate security to voters and also free access to media and the diplomatic community to monitor these elections.<sup>[1]</sup> However, even before the elections got underway the Pakistan government declared them a farce, an Indian attempt to legitimize their occupation of Kashmir.<sup>[2]</sup> And Pakistan made no apparent attempt to curb the anti-elections militant activities originating from its soil.

Large-scale violence preceded the J&K elections, killing 84 political workers including three candidates. The Indian government claimed an increase in cross-border infiltration and coercion of voters by the Pakistan-based militant outfits. Despite widespread violence and coercion, and an election boycott by pro-Pakistan and pro-independence political parties, the state experienced an average polling turnout of 44 percent, which is marginally less than the previous two elections held in 1996 and 1998 respectively.

Analysis of voting patterns suggested substantial regional variations in turnout, with the Jammu region at 57-60 percent, Kargil and Leh at more than 70 percent, the Udhampur region at 61-63 percent, and Poonch-Rajauri at 48-52 percent, while the Kashmir valley had only 28 percent turnout. Within the valley the worst turnout was in the capital, Srinagar (11 percent), which was

attributable to militants' threats and a call for an election boycott by the Hurriyat Conference. In certain areas in the valley, where rebels among the radical organizations stood as candidates, the voting percentage was high. The hilly regions of the valley such as Uri, Gulmarag and Gurez, showed a high turnout due to the predominance of a tribal Muslim (Gujjars) population in these areas. In certain regions voters alleged that security forces coerced them to vote. However, international and domestic media covering the J&K elections did not find substance in such allegations. Rather, it was suggested that some voters made these allegations due to fear of post-election reprisals by militants.[\[3\]](#)

The domestic and international response to the Jammu and Kashmir elections was mixed. Pakistan claimed the elections to be a sham.[\[4\]](#) U.S. and the British representatives expressed satisfaction with the elections and expressed optimism that they could lead to regional peace.[\[5\]](#)

### Post-Election Jammu and Kashmir and the Prospects for Peace

The most significant political outcome of these elections was the people's verdict against the ruling National Conference, which was voted out of power (see table). After nearly a month's political haggling, the new J&K government was formed by a coalition of the Indian National Congress Party and the People's Democratic Party (PDP).

#### Jammu and Kashmir State Assembly Election Results

National Conference	28
Indian National Congress	20
People's Democratic Party	16
Bharatiya Janata Party	1
Communist Party of India	2
Others	20
TOTAL SEATS	87

*Source: Election commission of India declarations, October 2002*

The election boycott call by the All Parties Hurriyat Conference (APHC) affected only some parts of Kashmir Valley. In the remaining J&K—and especially the hilly areas of the valley, Ladakh, Rajauri-Poonch, Jammu, and Udhampur—people had largely ignored its call. The APHC thus lost a historic opportunity to play a pivotal role in Kashmir politics. Also, the large turnout despite APHC's boycott call belied their claim to be the true representatives of the Kashmiri people. The ruling People's Democratic Party (PDP) managed to secure the support of the domestic militant organization Hizb-ul-Mujahideen (HuM), which in turn resulted in local militants entering the political fray at the cost of Pakistan-based HuM leaders, and their APHC ideologues.[\[6\]](#)

In the wake of the elections, whether peace will prevail in Jammu and Kashmir will depend on four factors: one, the ability of the new J&K government to deliver on its promises; two, Pakistan's attitude on cross-border terrorism into Kashmir; three, the sincerity of Indian efforts to tackle the J&K issue; and four, resolute efforts for peace by the people of Kashmir, to follow up on the fighting spirit they recently exhibited by coming out to vote despite terrorist threats.

The PDP's Mufti Mohammed Sayeed is currently heading the new state government in J&K. Sayeed was India's Home Minister during 1990-91, when the current phase of militancy had started in the state. Mr. Sayeed is known for soft handling of militants, as evident from his mishandling of the December 1989 abduction of his daughter,[\[7\]](#) which indicated that he lacked

the will and understanding to define and implement a resolute policy against terrorist violence. His recent statements and also his party's election manifesto suggest that there has been no evolution of a counter-terrorism perspective within his political thinking. Mr. Sayeed's recent actions such as keeping J&K out of the purview of the 2002 Prevention of Terrorism Act (POTA), the release of 200 militants from custody, and the disbanding of the Special Operations Group (SOG), has sent mixed signals to the state's security apparatus.<sup>[8]</sup> It is widely acknowledged that the state needs political, economic, and security initiatives to quell the current insurgency. However, political initiatives without a coherent anti-terrorism policy in J&K are likely to prove counter-productive since the violence is largely driven from outside the state. Still, during the last two months there has been a perceptible decline in militant activities in J&K. It is premature to judge whether this decline is due to the J&K government's efforts or to a shift in Pakistan's Kashmir policy.

In October 2002, India decided to redeploy its military from the international border, thereby signaling a desire to end the 10 month old military impasse with Pakistan. Pakistan followed suit and called for negotiations with India. The Indian government has made talks with Pakistan conditional on an end to cross-border infiltration from Pakistan into Kashmir, and also some other parts of India. Pakistan persists with a Kashmir policy based upon self-determination (by plebiscite) for the Kashmiri people (as per UN Security Council resolutions of 1948), and its theme of providing only moral and political support to an indigenous freedom movement in Kashmir. Pakistani leaders have also portrayed the Indian decision to de-escalate their military posture as a victory for Pakistan<sup>[9]</sup>, thereby indicating that they feel no pressing need for acceding to India's and the international community's demand to end cross-border infiltration. In a related development Muttahida Majlis-e-Amal (MMA), a pro-Taliban, pro-al Qaeda radical alliance, currently rules Pakistan's North Western Frontier Province (NWFP)—which adjoins those areas of Kashmir controlled by Pakistan. The Pakistan-based militant organizations located in the NWFP now have political patronization.<sup>[10]</sup> Even if Pakistan's federal government intends to curb militant activities, they will find it all the more difficult to do so.

Successive Indian governments have had Kashmir on their political agenda, and rarely has the issue become a subject of national concern. Political leaders over the years have tried to tackle the Kashmir issue from different perspectives: Prime Minister Nehru tried the multilateral approach and took the Kashmir issue to the UN Security Council; Prime Minister Shashtri tried the Tashkent experiment; Mrs. Gandhi attempted the bilateral approach that led to Simla Agreement; Mr. I.K. Gujral tried to solve the issue within the ambit of his Gujral doctrine; and current Prime Minister Vajpayee has tried the realistic approach that led to Lahore process, and then to Agra. Notwithstanding the sincerity of Indian leaders in following these different approaches, they lacked a national consensus because they were seen by political rivals in narrow and partisan political perspectives. Recently, however, there is growing realization among all sections of Indian society that the Kashmir problem has caused India to suffer economically and politically, and hence there is an urgent need to forge a national consensus on Kashmir.

In linking talks with Pakistan to the cross-border infiltration issue, the Indian government has two possible motives: one, it is hoped that internationally, Pakistan will be seen as continually violating its own commitments on terrorism; and two, domestically, the current Indian leadership hopes to reap political benefits from taking a resolute stand against Pakistan. This policy of conditional talks with Pakistan does not define a threshold of tolerance for cross-border infiltration. Due to the social, economic, and political connotations of cross-border movement, complete cessation of such activity is unlikely. Hence, making it a precondition of any dialogue with Pakistan is unrealistic.

Whether caused by militants or by the Indian security forces, the people who suffer from violence in the region are the Kashmiris. Their participation in large numbers in last fall's elections indicates their yearning for peace. This new political resurgence in Kashmir has opened up avenues for people to address enduring problems such as unemployment, education, and health

care. The new J&K government has the mandate of the people to deliver peace—which is possible if all segments of the Kashmiri population, including the APHC, work together for the common good of all Kashmiris.

### The Kashmir Elections and the War on Terrorism

Through the recent Kashmir elections, the international community has had an opportunity to assess the internal dynamics of Kashmir politics. It also enabled visiting delegates to draw their own conclusions about the security situation in the region. The U.S. Ambassador in New Delhi, Robert Blackwill, said on 29 October 2002 that terrorism in Kashmir is "externally driven." He again stated on January 2003 that the U.S. war on terrorism would include the ongoing terrorism in Kashmir. These are very significant developments, and indicate that in the wake of last fall's elections the U.S. government realizes the role of externally driven terrorist forces in Kashmir.

Indian officials have often complained that the United States has been unwilling to forcibly pressure Islamabad to curb militancy in Kashmir.<sup>[11]</sup> This is partially true, although U.S. officials note that President Musharraf has been privately encouraged to abandon his support for Kashmir militants. The U.S. strategy in the region appears to be following a two-tier tract: relentless operations against renegade Taliban and al Qaeda, and managing anti-U.S. dissent inside Pakistan by supporting the Musharraf regime.<sup>[12]</sup> According to some experts, the key consideration underlying U.S. policy is the belief that Kashmir is simply not an issue that Musharraf can move decisively on. Pushing Musharraf too forcibly on Kashmir risks fatally undermining a key ally in the war against terrorism and possibly setting off a chain of events that lead to the institution of a more divided Pakistan.<sup>[13]</sup> However, there are risks to this strategy. First, being too soft on Pakistan when it comes to Kashmir risks undercutting U.S. relations with India. Second, there is risk that Pakistan, if given too much leeway, may become a haven for a resurgent al Qaeda. Al Qaeda is reportedly active within Pakistan with support from Pakistan-based radical organizations having linkages with Kashmiri militants.<sup>[14]</sup> An attack by Pakistan-based al Qaeda elements would undermine U.S. military operations in Afghanistan, and would have adverse political repercussions for a U.S. administration already accused by some of failing to duly heed intelligence warnings about al Qaeda threats prior to 9/11.

Therefore, it is essential that the United States reconsider its policy towards Pakistan lest it risk the emergence of a terrorist operational environment in Pakistan, as previously happened in Afghanistan. A suggested policy framework would include aggressive U.S. support for democratic institutions in Pakistan, and pressuring the Pakistani army to accommodate Indian concerns about cross-border terrorism into Jammu and Kashmir.

*For more topical analysis from the CCC, see our [Strategic Insights](#) section.*

*For related links, see our [South Asia Resources](#)*

### References

1. The Indian government permitted and facilitated national and international media coverage of the J&K elections. 28 diplomats, including four each from the U.S. and U.K. were issued special passes by the Election Commission, which authorized them to enter polling booths and other administrative facilities. *Indian Express*, September 14, 2002
2. Pakistan's President Pervez Musharraf in his address to the UN General Assembly on 13 September 2002 said that "planned elections" in Kashmir would once again be rigged. He said, "such elections under Indian occupation will not help peace; they may set it back." As reported by Amit Baruah, *The Hindu*, 13 September 2002

3. "World media greets J&K polls with mixed reactions," Times of India, 17 September 2002
4. "There has been a maximum of 10 per cent turnout in some areas, while in most parts it was as low as two per cent," Pervez Musharraf, President, Islamabad, September 23, 2002
5. "We think India is committed to holding free, fair and inclusive elections in J&K without violence. This is exactly right... I would like to salute the individual voters in J&K who came out to exercise their democratic rights despite threat from terrorists... We are hopeful that the successful conduct of four-phased elections in J&K will set the stage for resumption of a dialogue between India and Pakistan."
- Robert Blackwill, Ambassador of the United States in India, New Delhi, September 19, 2002
6. Praveen Swami, "Jammu & Kashmir Elections: Macabre Scoreboard," *South Asia Intelligence Review*, [Weekly Assessments & Briefings, Volume 1, No. 11](#), September 30, 2002
7. On 11 December 1989, barely five days after his becoming India's home minister, Mr. Sayeed's daughter Rubaiya Sayeed (then 23 years) was abducted by militants of Jammu and Kashmir Liberation Front (JKLF). Even as the intelligence agencies were negotiating the release of Rubaiya Saeed, the government unconditionally conceded all demands of the militants, which was viewed as a singular act of capitulation by the Indian government, leading to full blown insurgency in J&K.
8. "38 persons, including 17 security force (SF) personnel, were killed in three separate terrorist strikes in a span of just three days over the last week in Jammu and Kashmir (J&K). These high-intensity attacks come against the backdrop of a 'soft approach' adopted by the new coalition government headed by Chief Minister Mufti Mohammed Sayeed. Evidently, the decision not to implement the Prevention of Terrorism Act, 2002 (POTA), the proposal to merge the Special Operations Group (SOG) into the J&K Police, and the release of some terrorists and secessionist leaders has substantially emboldened the terrorist groupings." Kanchan Laxman, "J&K: No Respite from *Jehadis*," *South Asia Intelligence Review*, [Weekly Assessments & Briefings, Volume 1, No. 19](#), November 25, 2002
9. B. Muralidhar Reddy, "We Defeated Enemy Without a War: Musharraf," *The Hindu*, 14 December 2002
10. "Out of Pakistan," *Washington Post*, 25 February 2003, Page A22
11. "The U.S. and other governments have talked repeatedly to Islamabad to end infiltration of terrorists, wind up camps and infrastructure of militants. However, results of these efforts were not satisfactory from India's perspective." Brajesh Mishra, National Security Advisor and Principal Secretary to the Indian Prime Minister, during his visit to Washington on 12 December 2002. The statement published by *The Hindu*, 12 December 2002.
12. Peter Chalk (Senior Political Analyst, RAND Corporation) and Chris Fair (Associate Political Scientist, RAND Corporation), "Pakistan, Kashmir & the US War on Terrorism: The Need to Square the Circle," *South Asia Intelligence Review*, [Weekly Assessments & Briefings Volume 1, No. 12](#), October 7, 2002
13. *ibid*
14. ["Al-Qaeda Suspects Arrested from Tribal Areas,"](#) *The News* (Pakistan), 4 December 2002